



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
CHELSEA HOTEL OWNER LLC et al, :
 :
 : Plaintiffs, :
 :
 : - against - :
 :
 : CITY OF NEW YORK et al, :
 :
 : Defendants. :
-----X

21-CV-3982 (ALC) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

The attached subpoena has been so-ordered by the Court. In serving the subpoena, Plaintiff shall attach a copy of Fed. R. Civ. P. 45 to the subpoena.

SO ORDERED.

A handwritten signature in black ink, appearing to be "RWL" with a long horizontal stroke extending to the right.

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: February 29, 2024
New York, New York

Copies transmitted this date to all counsel of record.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
CHELSEA HOTEL OWNER LLC, IRA DRUKIER,
RICHARD BORN, AND SEAN MACPHERSON,

Plaintiffs,

vs.

CITY OF NEW YORK,

Defendant.
-----X

**NOTICE OF SUBPOENA
TO TESTIFY AT A
DEPOSITION IN A CIVIL
ACTION**

21-CV-3982(ALC)(RWL)

PLEASE TAKE NOTICE that pursuant to FRCP 26, 30(b)(6), 34 and 45, and Local Rules 26.2 and 26.3 of this Court, Defendant City of New York is requesting testimony of Vema Group LLC pursuant to a Subpoena to Testify at a Deposition in a Civil Action concerning the topics listed Addendum A at the Office of the Corporation Counsel of the City of New York, located at 100 Church Street, New York, NY 10007. The subpoena also requires Vema Group LLC to bring documents to the Office of the Corporation Counsel on the date of the deposition pursuant to Addendum A.

Dated: New York, New York
February 29, 2024

HON. SYLVIA O. HINDS-RADIX
Corporation Counsel of the City of New York
Attorney for Defendants
100 Church Street
New York, New York 10007
Tel: (212) 356-2620

/s/ Stacy D'Cunha-Rubin

BY: _____
Stacy D'Cunha-Rubin
Assistant Corporation Counsel

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
CHELSEA HOTEL OWNER LLC, IRA DRUKIER,
RICHARD BORN, AND SEAN MACPHERSON,

Plaintiffs,

21-CV-3982(ALC)(RWL)

vs.

CITY OF NEW YORK,

Defendant.

-----X

ADDENDUM A

DEFINITIONS

1. These definitions incorporate by reference the Uniform Definitions in Discovery Requests set forth in Federal Rule 34(a) and Local Rule 26.3.
2. “Communication” shall include the oral, written, or electronic transmission of information (in the form of facts, ideas, inquiries or otherwise).
3. “Document” or “documentation” shall include, but not be limited to,
 - (a) all written and printed matter of any kind, including but not limited to (i) correspondence, memoranda, notes, diaries, statistical or factual tabulation or data, letters, petitions, telexes, telegraphs, teletypes, e-mails, minutes, agendas, expense accounts, contracts, reports, studies, checks, statements, ledgers, receipts, resolutions, applications, summaries, pamphlets, books, notations of any sort of conversations or meetings, newsletters, bulletins, briefing material, computer print-outs, invoices, worksheets; (ii) all existing drafts, alterations, modifications, changes, and amendments for any of the foregoing; and (iii) any copies of the foregoing that are different from the original by reason of any notation made thereon;
 - (b) all graphic or manual records or representations of any kind, including but not limited to photographs, charts, graphs, maps, diagrams, and drawings;

- (c) all electronic or mechanical records or representations of any kind, including but not limited to audio tapes, cassettes, discs, recordings, e-mails, and computer files.

4. “Concerning” or “relating to” means, without limitation: constituting, containing, reflecting, discussing, commenting upon, mentioning, supporting, evidencing, modifying, contradicting, quoting, criticizing, describing, creating, maintaining, bearing upon, regarding, constituting a basis for, deriving from, or arising from.

5. The use of the singular form of any word includes the plural and vice versa.

6. The connectives “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

7. The term “Hotel” means the Hotel Chelsea located at 222 West 23rd Street, New York, New York 10011.

8. The term “Owner” refers to Plaintiffs and their officers, principals, agents, and representatives.

9. The term “Redevelopment Project” means the work to redevelop the Hotel pursuant to the permit issued by the New York City Department of Buildings (“DOB”) under Job No. 120853754, as well as other permits issued by the DOB relating to work under Job No. 120853754.

10. The term “Stop Work Order” means the stop work order (“SWO”) under DOB Complaint No. 1494931, including any partial rescissions.

11. Any term not defined herein has its usual and customary meaning.

DEPOSITION TOPICS

1. Scope of work for the Redevelopment Project.
2. Redevelopment Project work schedules and timetables, and modifications thereto, including, but not limited to, projected and completed schedules, and work delays.
3. Redevelopment Project costs, including, but not limited to, projected and actual costs of construction, supplies, and labor.
4. Construction work and building conditions at the Hotel at the time the SWO was in effect.
5. Redevelopment Project work in and around tenant-occupied Hotel rooms.

REQUEST FOR PRODUCTION OF DOCUMENTS

1. All construction contracts, amendments, and extensions for the Redevelopment Project, including for contractors, subcontractors, and suppliers.
2. All purchase orders for the Redevelopment Project.
3. All job cost reports relating to the Redevelopment Project, including any job cost detail transaction register and job cost detail.
4. All job labor breakdown reports or manpower reports relating to the Redevelopment Project.
5. All minutes of meetings relating to the Redevelopment Project, including OAC meetings and meetings with construction managers, subcontractors, suppliers, insurance or bonding companies, or other contractors on the Redevelopment Project.
6. All work schedules, time logs, bar charts, progress schedules, look-ahead schedules, engineering and procurement schedules, fabrication schedules, projections and

timetables prepared or utilized for Redevelopment Project, and all revisions and modifications thereof.

7. All daily reports, field reports, logs, records, diaries or other documents reflecting the progress, conditions, activities and manpower on the Redevelopment Project.

8. All monthly schedule narratives and reports for the Redevelopment Project

9. All documents not identified in demands 6 through 8 above, utilized or prepared for use in scheduling, monitoring or reviewing work for the Redevelopment Project, including without limitation records reflecting the actual progress of the work.

10. All billings, payment applications, requisitions to the Owner for the Redevelopment Project.

11. Any change order log maintained for the Redevelopment Project.

12. All documents relating to executed change orders for the Redevelopment Project, including any supporting documentation.

13. All documents relating to change orders requested by subcontractors and suppliers relating to the work they performed for the Redevelopment Project.

14. All punch lists for the Redevelopment Project, including item, date opened/identified, party identified by, action, party to act, location, and date closed.

15. All document logs for the Redevelopment Project, including, but not limited to, proposed change orders, change orders, submittals, design bulletins, architectural supplemental instructions, and sketches.

16. All Requests for Information for the Redevelopment Project and responses thereto.

17. All communications and documents relating to bidding, pricing, schedule revisions as a result of the SWO, including as a result of any partial and full rescissions of the SWO.

18. All communications and documents relating to the SWO and make-safe plans and their execution.

19. All communications and documents relating to water damage and leaks at the Hotel between November 2018 and March 2019.

20. All contractor, subcontractor, and supplier bid and bid estimate documents relating to the Redevelopment Project, including original, interim, and replacement bids.

21. All documentation, workpapers, estimates and assumptions used to determine the labor, material, equipment, overhead, and unit cost used in the compilation of original bids and re-pricing.

22. All photographs and videos concerning the Redevelopment Project, including, without limitation, pre-construction, progress and survey photographs and videos.

23. All contractor, subcontractor, architect, or other claim or lien information on the Redevelopment Project, including but not limited to, claim document submissions (original and all revisions), claim support (e.g., schedules, workpapers, reports, analyses, source documents, expert reports with supporting workpapers), settlement discussion documentation (notes, correspondence, analyses and source documentation) related to defending said claims, documentation relating to eventual resolution of claims (e.g., final settlement amounts).

24. All liquidation agreements with subcontractors and suppliers relating to the Redevelopment Project.

UNITED STATES DISTRICT COURT

for the

CHELSEA HOTEL OWNER LLC, et. al.

Plaintiff

v.

THE CITY OF NEW YORK

Defendant

Civil Action No. 21-CV-3982

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: Vema Group LLC, 38-68 11th Street, Long Island City, NY 11101

(Name of person to whom this subpoena is directed)

☒ **Testimony:** **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

| | |
|---|--|
| Place: New York City Law Department 100 Church Street New York, NY 10007 | Date and Time: 3/22/2024 at 10:00 AM |
|---|--|

The deposition will be recorded by this method: stenographically recorded and videotaped

☒ **Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material: See Addendum A

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/29/2024

This subpoena is so-ordered by the Court.
CLERK OF COURT


Robert W. Lehrburger, U.S.M.J.

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* City of New York

_____, who issues or requests this subpoena, are:
Stacy D'Cunha-Rubin, New York City Law Department, 100 Church Street, New York, NY 10007, sdcunha@law.nyc.gov, 212-356-3191

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).